

1AP9 Rec'd PCT/PTO 27 JAN 2006

IN THE UNITED STATES RECEIVING OFFICE (RO/US)  
Designated/Elected Office (DO/EO/US)

U.S. National Stage of  
International Application No.: PCT/EP2004/008229  
International Filing Date: July 23, 2004  
Earliest Priority Date: July 27, 2003  
Applicants: Gordon Calundann, Oemer Uensal, Brian Benicewicz and Eugene Scanlon  
Title: Proton-Conducting Membrane and Use Thereof  
Attorney's Docket No.: 3799.1014-000

Date: 27 January 2006  
EXPRESS MAIL LABEL NO. EV 214 901 950 US

INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:  
☐ a Statement under 37 CFR 1.97(e), as checked below, or  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:  
☐ a Statement under 37 CFR 1.97(e), as checked below, and  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☒ Copies of the cited references are enclosed (B1-B3).
  - ☒ Copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
  - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
  - ☒ The listed references A1-A5 and B1-B3 were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☐ The "concise explanation" requirement (non-English references) for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
    - ☐ the enclosed English language abstract.

IAP9 Rec'd PCT/PTO 27 JAN 2006

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner\_\_\_\_\_  
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

## Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

By 

Steven G. Davis  
Registration No.: 39,652  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

January 27 2006

PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>  <b>January 27, 2006</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3799.1014-000	US NAT'L STAGE OF INT'L APPLICATION NO. PCT/EP2004/008229	
	FIRST NAMED INVENTOR Gordon Calundann	FILING DATE January 27, 2006	
	EXAMINER Not Assigned	CONFIRMATION NO. Not Assigned	GROUP Not Assigned

AP9 Rec'd PCT/PTO 27 JAN 2006

### U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	A1	2004/0247974 A1	12-09-2004	Uensal, <i>et al.</i>
	A2	2004/0127588 A1	07-01-2004	Calundann, <i>et al.</i>
	A3	2004-0096734 A1	05-20-2004	Calundann, <i>et al.</i>
	A4	2004/0131909 A1	07-08-2004	Soczka-Guth, <i>et al.</i>
	A5	2005/0053820 A1	03-10-2005	Calundann, <i>et al.</i>

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	B1	CA 2 491 239 A1	01-08-2004	Pemeas GMBH		
	B2	CA 2 498 370 A1	04-08-2004	Pemeas GMBH		
	B3	CA 2 496 589 A1	03-25-2004	Pemeas GMBH		
	B4					
	B5					

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	C1	
	C2	
	C3	
	C4	
	C5	

EXAMINER	DATE CONSIDERED
----------	-----------------